

COMMISSIONERS APPROVAL

ROKOSCH

GRANDSTAFF

THOMPSON

CHILCOTT

DRISCOLL

PLETTENBERG (Clerk & Recorder)

Date.....June 26, 2007

Members Present.....Commissioner James Rokosch,
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, Commissioner
Chilcott, Commissioner Driscoll

Minutes: Glenda Wiles

The Board met for various administrative matters as follows:

Commissioner Thompson made a motion to approve the minutes of February 2007 with
corrections. Commissioner Chilcott seconded the motion and all voted "aye".

Dr. Ernie Jean met with the Board to renew his Superintendent of Schools contract for a
2-year period (7/1/2007 to June 30, 2009). Commissioner Chilcott made a motion to
renew this 2-year contract. Commissioner Thompson seconded the motion and all voted
"aye."

The Board reviewed the Grant Agreement from the FAA for the AWOS (automated
water observing system). The Grant agreement is for \$109,774.00 which is 95% of the
total cost for this system. It was noted by the Airport Manager Page Gough, the Montana
Aeronautics has given a tentative grant in the amount of 2.5% grant of the remaining 5%
cost, and the county will be responsible for the remaining 2.5%.

Commissioner Chilcott made a motion to accept this grant agreement with the
Chairman's signature. Commissioner Grandstaff seconded the motion. Commissioner
Chilcott amended his motion to state the grant agreement should be executed once the
Certificate of Sponsor's Attorney is reviewed and signed by Civil Counsel Alex Beal.
Commissioner Grandstaff approved of this amendment by a second, and all voted "aye".
Civil Counsel Alex Beal now being present reviewed this Grant Offer and Agreement
and signed with his approval for the Certificate of Sponsor's Attorney.

In other airport business, Commissioner Chilcott asked about the Board's decision on Friday, June 22nd, for the payment of monies to the Road Department for the building of roads at the airport. Commissioner Driscoll indicated their decision was a house keeping issue based upon the previous Board's approval to have the Road Department build a road last summer and the recent settlement agreement of Pogo Pumps to build a second road.

Fair Manager Gary Wiley met with the Board to obtain their approval for the gift of a 1983 International water tender from the City of Hamilton. The City has no use nor do they want the liability of the water tender, and the fairgrounds has a need for watering the grounds and track area. Gary indicated this water tender has been utilized at the fairgrounds for some time now through an equipment lease agreement. Commissioner Chilcott advised Gary to make sure the person operating this water tender has a commercial license if required. Commissioner Grandstaff made a motion to accept the 1983 International Water Tender for use at the fairgrounds. Commissioner Driscoll seconded the motion and all voted "aye". Gary will obtain the title and Glenda will deal with the changes of ownership needed.

In other business the Board met to discuss various 9-1-1 issues which included long range planning, a public safety communication plan and a power point presentation by Oz Architects in regard to the needs analysis. Present was 9-1-1 Director Joanna Hamilton, 9-1-1 Advisory Board member Jane Ellis and numerous personnel and citizens. Joanna and Jane presented a power point presentation in regard to a long range plan that included the following recommendations:

- Implement minimum staffing requirements
- Completion of public safety communications policy
- Replace antiquated radio systems
- Remodeling or relocation of the 9-1-1 Center
- Obtain an alternate 9-1-1 Center for emergencies and a portable critical incident command post for communications
- Continue governance of the five-year plan

Joanna and Jane also presented statistics of the county, the history of the 9-1-1 Center becoming a stand alone department, the current staffing and need for adequate staffing, the location of 9-1-1 which is currently in the courthouse basement and sorely lacking in space and equipment, the goals which include the administrative public safety policy and long range plan; the personnel which include the need to assign shift supervisors, hire a CAD Administrator, funding the 9-1-1 Director salary out of the county general funds; county program support by general fund; a needs analysis study and possible relocation based upon those results. Joanna also addressed the communications equipment and the needs for radio equipment replacement, the policy decisions for funding and the actual funding plan in order to determine the use of quarter money, impact fees, grants and use of general taxes.

Jane also addressed the projected communication sites in the 'Interoperability Montana Consortia'. These sites will be constructed based on the needs of the various consortia (counties and state). Communication site construction will be funded by the Department

of Homeland Security, the State of Montana and various counties. The local responsibility will be to identify sites, prepare leases or purchase the ground where the communication equipment (microwave/transmitters) will be placed. Commissioner Rokosch noted impact fees are applicable to the communications backbone.

Commissioner Rokosch asked Joanna and Jane to put together a 'scoping project' on the long range plan for each of the phases, identifying and measuring the needs of these phases in order to reach their intended goals. He also indicated if they are going to address the needs, they need to identify the necessary impact fees.

Marty Noyd of Oz Architects discussed the need to allow a 9-1-1 Center remodel at the courthouse location. Five different options were presented on the north side of the basement on the Bedford Street side. Marty indicated the courthouse building is in good structural standing but a change in air ventilation will need to occur if any such remodel takes place.

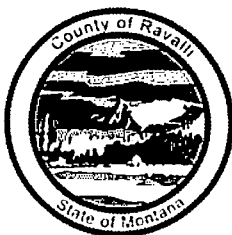
Commissioner Rokosch asked Marty if he would be comfortable breaking out the percentages of the needs analysis for current and future needs. Commissioner Chilcott stated they need to identify the needs of the 9-1-1 Center, i.e., the number of work stations, office space etc. From those needs he could then justify the actual work plan for remodel.

Marty stated he developed his fee proposal based on the courthouse basement schematic. Jane indicated the 'needs analysis' presents the actual needs that Commissioner Chilcott is addressing. She stated she would like the Commissioners to proceed in approving the architectural fee of \$10,206.00 to Oz Architects in order to move this forward. Commissioner Chilcott made a motion to approve of the \$10,206.00 for the 'needs analyses to Oz Architects. Commissioner Driscoll seconded the motion and all voted "aye".

Minutes: Beth Farwell

In other business the Board met for a public hearing on a Request for Commission Action on the Sunnyside Orchards No. 4, Block 16, Lot 25A. This meeting is a continuation of the previous meeting on June 19th. Present were Alex Beal Deputy County Attorney, Planning Staff Tristan Riddell, John Lavey, Renee Van Hoven, Randy Fifrick and Planning Director Karen Hughes. Several members of the public were also present.

Commissioner Rokosch called the hearing to order, requesting a staff report for the Sunnyside Orchards No. 4, Block 16, Lot 25A, Minor subdivision as follows:



REQUEST FOR COMMISSION ACTION

OG-07-06-680

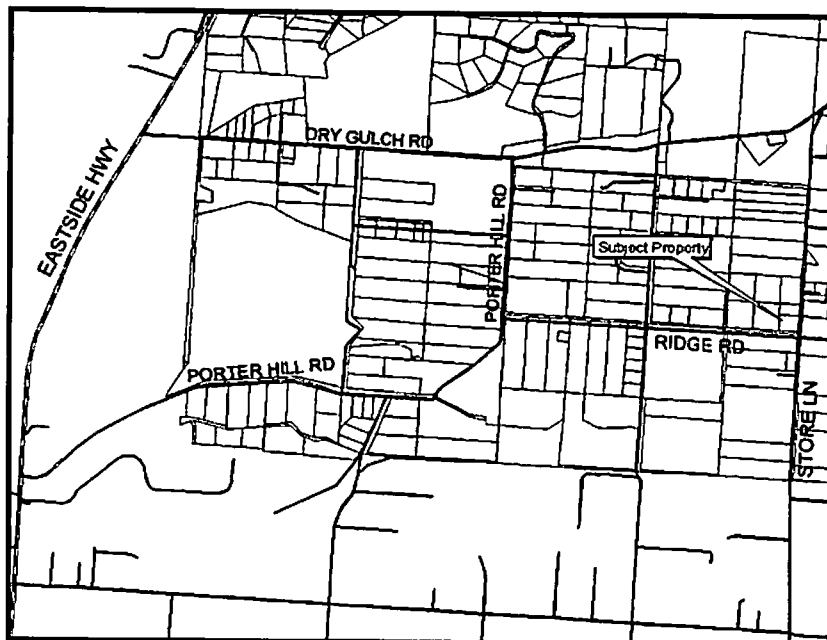
Site Visit: June 21, 2007 @ 3:00 p.m.
Meeting: June 26, 2007 @ 10:00 a.m.
Request: To act on the Sunnyside Orchards #4, Block 16, Lot 25A, AP
Expedited Minor Subdivision

I. ACTION REQUESTED

This is a request from Ron Lords, represented by Applebury Survey, to create the **Sunnyside Orchards #4, Block 16, Lot 25A, AP Expedited Minor Subdivision**.

II. BACKGROUND

Sunnyside Orchards #4, Block 16, Lot 25A, AP is a two-lot expedited minor subdivision proposed on 2.84 acres. The property is located north of Stevensville at the intersection of Store Lane and Ridge Road. It is located in the Stevensville and Lone Rock School Districts and the Three Mile Rural Fire District. Access for both lots is proposed via a common approach off Ridge Road. **This subdivision is being reviewed under the regulations amended August 4, 2005.**



Map 1: Location Map
(Source Data: Ravalli County Planning Department)

III. PLANNING STAFF'S RECOMMENDATION

That the Sunnyside Orchards #4, Block 16, Lot 25A, AP Expedited Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

IV. PLANNING STAFF'S RECOMMENDED CONDITIONS

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question which are included as exhibits to this document (the applicant shall include the exhibits as attachments). (*Effects on Public Health and Safety*)

Notification of Irrigation Ditch/Pipeline Easements. Within this subdivision there are irrigation easements. All downstream water right holders have the right to maintain and repair their ditches/pipelines and diversion structures whenever necessary to keep them in good condition. The filed subdivision plat shows irrigation pipelines and easements on the property. The irrigation district which supplies the water to this property must approve any relocation or alteration (i.e. installation of a culvert) of an irrigation ditch or pipeline. Any act which damages or destroys a ditch/pipeline, interferes with its operation or maintenance in any way, or restricts access to the ditch/pipeline so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easement to maintain the ditch or pipeline. (*Effects on Agricultural Water User Facilities*)

Notification of Common Access Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the common access and therefore does not assume any liability for improper maintenance or the lack thereof. A Common Access Maintenance Agreement for this common access was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services*)

Limitation of Access onto a County Road. A "no ingress/egress" restriction is located along the Store Lane and Ridge Road frontages of the subdivision, excepting the approach to the common access that is approved by the Ravalli County Road and Bridge Department, which precludes vehicular access onto these County-maintained roads. This limitation of access may be lifted or amended with approval of the County. *(Effects on Local Services & Effects on Public Health and Safety)*

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. (See Exhibit A-1 for required provisions.) *(Effects on Wildlife and Wildlife Habitat)*

Waiver of Protest to Creation of RSID/SID. Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*

Primary Heat Source. The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

Lighting for New Construction. Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotighting of flag poles shall be permitted. *(Effects on Public Health and Safety)*

Control of Noxious Weeds. Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. *(Effects on Public Health and Safety)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Fire District has adopted the Uniform Fire Code

(UFC), which requires lot owners to post County-issued addresses at the intersection of the driveway leading to the primary residence and the accessing road as soon as construction on the residence begins. *(Effects on Local Services & Public Health and Safety)*

Access Requirements for Lots within this Subdivision. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the UFC. Please contact the Three Mile Rural Fire District for further information on the requirements of the Three Mile Rural Fire District and/or the UFC. *(Effects on Local Services and Public Health and Safety)*

Amendment. The covenants filed with the final plat shall state that written governing body approval shall be required for amendments to provisions of the covenants listed above, that are required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*
4. The final plat shall show a no ingress/egress zone along the Store Lane and Ridge Road frontages of the subdivision, excepting the approach for the Common Access on Ridge Road, as approved by the Road and Bridge Department. *(Effects on Local Services & Public Health and Safety)*
5. The applicant shall provide evidence that an amount per lot (to be decided by the Board of County Commissioners in consultation with the subdivider and the school districts) has been contributed to the Stevensville and Lone Rock School Districts prior to final plat approval. *(Effects on Local Services)*
6. The applicant shall meet the water supply requirements for the Three Mile Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage. Alternatively, the applicant can contribute \$500 per lot and provide a letter from the Three Mile Fire District that the contribution has been made prior to final plat approval. *(Effects on Local Services & Public Health and Safety)*
7. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Local Services & Public Health and Safety)*
8. All existing and proposed irrigation easements shall be shown on the final plat. *(Effects on Agricultural Water User Facilities)*

9. The existing driveway accessing proposed Lot 25-A-2 shall be abandoned prior to final plat approval. (*Effects on Local Services*)
10. The applicant shall provide an additional five feet of easement along the Store Lane and Ridge Road frontages of the subdivision. (*Effects on Local Services*)
11. The final plat shall show a 15-foot wide irrigation easement along the length of the western property boundary, as shown on the preliminary plat. (*Effects on Agricultural Water User Facilities*)

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|--------------------------|--|
| REMAINING ISSUES: | None |
| FISCAL IMPACT: | No extraordinary fiscal impacts noted. |
| ATTACHMENTS: | Application package Staff Report with attachments |
| STAFF: | John Lavey |
| DATE: | June 14, 2007 |

John indicated the Planning Staff recommends approval of this subdivision subject to eleven conditions as outlined in the staff report. Commissioner Rokosch requested clarification of the 11 conditions. John gave the board an explanation of the 11 conditions and why they are included.

Commissioner Grandstaff asked about the letter from the Sheriff in regard to the ability of his officers to respond to law enforcement issues as growth continues to occur in the county. John advised the Board this letter from the Sheriff is a 'boiler plate' letter in regard to the growth of the county and his ability as a Sheriff to respond to the citizens needs.

Commissioner Driscoll indicated this issue of growth and services needs to be addressed. John replied the Sheriff's letter does not give any specific details for the Planning Staff to address as it relates to this subdivision. Commissioner Grandstaff agreed with John, adding that health and safety criteria were not specifically addressed by the Sheriff.

Renee commented without specific public health and safety comments from the Sheriff, it is difficult to mitigate those concerns.

Commissioner Rokosch requested Civil Counsel Alex Beal to provide clarification on this issue.

Alex replied that they need something more specific than a 'boiler plate' letter that does not address specific problems within the subdivision.

Commissioner Grandstaff asked if the emails and concerns from the public had been addressed. John responded by establishing the 15 foot irrigation easement on the western property boundaries, those citizen concerns have been addressed.

Commissioner Rokosch stated there was a comment made by Mr. Hooten dated December 9th, 2003 regarding the septic and drain field. He questioned if that issue had been addressed. John stated this issue will be reviewed by DEQ.

Commissioner Rokosch questioned the mixing zone on the existing lot. Karen answered the septic is reviewed by Environmental Health and DEQ; as they conduct a more detailed investigation.

Commissioner Driscoll called for an explanation of the severe soils area. John explained it is not an unbuildable area, but it will be a challenging area to build within because of the complications and possible safety issues. Commissioner Chilcott stated to his knowledge, most of the subdivisions they review have severe soils.

Commissioner Driscoll asked if the pro rata payment on the road is a requirement. John indicated it is a requirement and it is determined by the Road Department.

Brief discussion followed regarding subdivision procedure.

Terry Nelson of Applebury Survey stated they agree with staff recommendations. He noted they only deal with the problems when they don't agree. He also noted the Sheriff usually responds with a 'boiler plate' letter. He understands the impact fee bill addresses the Sheriff and the State will deal with the impact fees for the Sheriff. He also noted DEQ has changed its rules to require the Commissioners' approval letter before they will finalize their DEQ approval. This subdivision has been fully approved by DEQ and is waiting on the Commissioners' approval. Terry also noted there is a website available that deals with the severe soils, ground water, big clay layer or steep slope issues. He advised the Board the east side irrigation practices have changed drastically; ground water is up to 3 or 4 feet.

Commissioner Grandstaff asked about the contribution to the fire and school district. Terry stated the contribution to the fire district is \$500.00 per new lot. He noted the schools can request a voluntary contribution from the developer, but the developer is prepared to contribute \$250.00 per lot. Since this development is within two school districts, the monies will be split 50/50. Commissioner Driscoll questioned when the contributions will be paid. Terry replied they request the monies be paid when the lots are sold.

Commissioner Chilcott noted the staff report shows the monies will be paid prior to final plat. Terry requested this be corrected to reflect 'after the sale of the lots'.

Commissioner Rokosch called for any other public comment.

Ron Lords stated he would like to remind the Board of the need to 'forward this application on an unbiased decision'.

Commissioner Rokosch closed public comment. Board deliberations then took place.

Commissioner Rokosch stated Stevensville has not done an impact fee study as of date and the Corvallis School District has recommended a \$7,000 impact fee for the impact on their school district. He asked if this amount has been discussed by the developer.

Developer Ron Lords replied that he has done a number of subdivisions. He finds 'the amount of lots compared to the number of actual students that go to school does not reflect the numbers that have been put out there'. He also stated the retired couples and families that are just starting out should not qualify for an 'impact on the school districts'. He stated he disagrees with the analysis of the "so called experts".

Commissioner Rokosch stated the school numbers are what the planning department has used before.

Commissioner Driscoll stated she believes with the right kind of studies, they will be putting those impact fees in place. And even though Ron believes what he believes, the Commissioners need to put the impact fees into place. Ron replied that he would like to see the "so called experts" qualifications and experience in regard to the development of subdivisions.

Commissioner Driscoll stated that she is impressed with Ron's comments.

Karen stated the impact fees for residential subdivisions and the assessed fees are only addressing the impact on schools. These impact fees are not applicable to industrial buildings.

Terry stated he would like to point out that both of these subdivisions started the subdivision process in 2005. He felt there has to be a starting point of when the impact fees will be in effect.

Commissioner Driscoll stated they are a community and they are all dependent on each other. She doesn't want an abrupt edge, and just because it's been that way, doesn't mean its right. She stated it is important to 'adjust for growth'.

Commissioner Rokosch stated the important point in raising this issue is that it allows them to have more pertinent information regarding impact fees. It is the Board's position to review and consider Ron's contribution to the school districts. Ron replied those fees will be paid upon of the final plat. He stated he can increase the contribution to \$250 for each school district.

Commissioner Rokosch indicated he would like an elaboration of the consistency of existing covenants on pages 9 & 10. He stated there is a suit pending against the County and they do not know what that final resolution will be. John indicated that was a staff mistake and that will be corrected at the time of final plat approval.

Commissioner Rokosch requested Civil Counsel's advice. Alex replied the language (in regard to the concern of the existing covenants) can certainly be amended; subject to further decisions by the Board.

Commissioner Driscoll stated any time there is legal issue, they need to address those. Commissioner Rokosch stated Alex should assist the Planning Department in regard to changing the language.

Commissioner Thompson asked about the requirement of condition #10 for a full 60' easement on Ridge Road as it is currently only 50 feet. John stated that planning staff normally split the road easement; one half to one side and one half to the other. He indicated if the Board would like, they can take an additional 5'. Commissioner Thompson asked if that was acceptable to all parties. All were in agreement.

Commissioner Rokosch concurred with Commissioner Thompson in regard to the easement width. Ron stated there is no compensation to the landowner for this additional easement.

Commissioner Thompson directed Terry Nelson to update the pro rata comment. Terry stated they will update it.

Commissioner Rokosch also indicated all though park land dedication is not required; he would like that consideration to be made.

Commissioner Driscoll stated she recognizes they have a huge investment in this subdivision but anytime they want to opt out because of the market, please let the Board know. Ron replied they are looking at the future, 30 years down the road.

Commissioner Rokosch questioned what the time frame is and dead line for this subdivision was. John replied July 12th; five weeks after the day of the settlement.

Commissioner Rokosch requested the Commission Action reflect the additional contributions to the schools and the road easement as per their discussion.

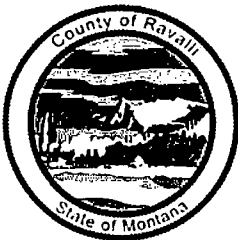
Commissioner Chilcott questioned what the school totals were. Terry replied they have raised it from \$250 total to \$250 per school district lot.

Commissioner Chilcott questioned if the \$250 per school district is for the new lots only. Terry replied there is an existing lot that had been there since 1912, and that lot would not be required to pay a fee.

Commissioner Chilcott made a motion that Sunnyside Orchards No. 4 Block 16, Lot 25A be approved with the recommended 11 conditions as noted from the Planning Department; with the increase of school contributions to total \$500, and the additional 5 feet of road easement on Ridge Road. Commissioner Driscoll seconded the motion and all voted 'aye'.

The Board also met for a public hearing on a Request for Commission Action for Vernon Ranchettes, Lot 1, AP Minor Subdivision. Present were Civil Counsel Alex Beal, Planners Tristan Riddell, Renee Van Hoven, and Randy Fifrick. Also present was Planning Director Karen Hughes and several members of the community.

Commissioner Rokosch called the meeting to order and requested the staff report. Tristan Riddell presented the staff report as follows:



REQUEST FOR COMMISSION ACTION

OG-07-06-677

Site Visit: June 21, 2007 @ 3:30 p.m.
Meeting: June 26, 2007 @ 10:00 a.m.
Request: To act on the Vernon Ranchettes, Lot 1, AP Minor Subdivision

III. ACTION REQUESTED

This is a request from Jeff and Tracy Scussel, represented by Terry Nelson with Applebury Survey, to approve the **Vernon Ranchettes, Lot 1, AP Minor Subdivision**

IV. BACKGROUND

The Vernon Ranchettes, Lot 1, AP Minor Subdivision is a four-lot subdivision located on approximately 5.04 acres, north of the Town of Stevensville. All lots will be single family residential in use. Each lot will be serviced by an individual well and septic system. Lots are an average of 1.26 acres in size.



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

Staff recommended conditional approval of the subdivision proposal.

V. PLANNING BOARD RECOMMENDATION

The Ravalli County Planning Board conducted a public hearing on this proposal on November 1, 2006. They took the following action:

Subdivision Proposal

The Board chose not to review the subdivision criteria beyond their discussion and the analysis in the staff report. The Board made a motion to **approve** the subdivision based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report, amending Condition 9 to state that the applicants shall place an encumbrance on the final plat of \$100 per lot to be paid to both the Lone Rock and Stevensville School Districts upon first conveyance of each lot, including lease or rent. Condition 11 was amended to state that the applicants shall provide a letter from the Three Mile Fire District stating that the applicant has provided the required 1,000 gallons per minute water supply or 2,500 gallons per lot water storage for fire protection for lots within this subdivision. Alternatively, the applicant shall place an encumbrance on the final plat of \$500 per lot to be paid to the Three Mile Rural Fire District upon first conveyance of each lot, including lease or rent. **The Board voted 9-0 to approve this motion.**

Comments from the meeting are contained in the record.

IV. PLANNING BOARD'S RECOMMENDED MOTIONS

(Changes to staff's recommended motions are in underline/strikeout.)

That the Vernon Ranchettes, Lot 1, AP Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report, as amended herein.

V. PLANNING BOARD'S RECOMMENDED CONDITIONS

(Changes to staff's recommended conditions are in underline/~~strikeout~~.)

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications shall be included with the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for road and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

Notification of Road Maintenance. Ravalli County, the State of Montana, or any other governmental entity does not maintain the road within this subdivision and, therefore, does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement was filed with this subdivision and outlines what parties are responsible for road maintenance and under what conditions. (*Effects on Local Services*)

Limitation of Access Onto State Road. A non-ingress/egress zone exists along Eastside Highway which restricts vehicular access onto this State-maintained road, excepting the approved location for the internal subdivision road. All lots within this subdivision must use the approved access point. This limitation of access may be lifted or amended with approval of the Montana Department of Transportation. (*Effects on Local Services and Public Health and Safety*)

Notification of Utility Easements. Within this subdivision there are utility easements. No structure shall be allowed to encroach into or set upon the utility easements. The utility easements shall remain unobstructed and accessible at all times. (*Effects on Local Services*)

Notification of No-Build Zone. A no-build zone is located within a natural drainage that traverses Lots A3 and A4. No building or structure may be constructed or otherwise placed within this no-build zone. (*Effects on Natural Environment and Wildlife and Wildlife Habitat*)

2. Protective covenants, including the following provisions, shall be filed with the final plat:

Living with Wildlife. (See Exhibit A-1 for required provisions.) (*Effects on Wildlife and Wildlife Habitat*)

Waiver of Protest to Creation of RSID/SID. Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to creating and/or improving a community water or wastewater treatment system and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Effects on Local Services*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. (*Effects on Public Health and Safety*)

Primary Heat Source. The primary heat source for any newly constructed residences in this subdivision shall be at least 75% efficient. (*Effects on Natural Environment*)

Control of Noxious Weeds. Lot owners shall control the growth of noxious weeds on their respective lots. (*Effects on Natural Environment*)

Lighting for New Construction. Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of the light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flagpoles shall be permitted. (*Effects on Public Health and Safety*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Uniform Fire Code 901.4.4 which requires the lot owners to post County-issued addresses at the intersection of the driveway leading to the primary residence and the road providing access to the lot as soon as construction on the residence begins. (*Effects on Local Services & Effects on Public Health and Safety*)

Access Requirements for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Uniform Fire Code. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and be constructed of an all weather surface able to accommodate the weight of a fire truck, approximately 40,000 lbs. to meet requirements of the Uniform Fire Code. Please contact the Three Mile Rural Fire District, 1155 Park Street, Stevensville, Montana, 59833, for further information

on the requirements of the Three Mile Rural Fire District and/or the Uniform Fire Code. *(Effects on Local Services - Fire Protection & Effects on Public Health and Safety)*

Amendment. The covenants filed with the final plat shall state that written governing body approval shall be required for amendments to provisions of the covenants listed above, that are required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The applicant shall include an RSID/SID waiver on the final subdivision plat or a separate document that states the following: Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to creating and/or improving a community water or wastewater treatment system and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*
4. The final plat shall show the locations of all utility easements as shown on the preliminary plat. *(Effects on Local Services)*
5. The internal subdivision road shall be labeled as a public road and utility easement on the final plat. *(Effects on Local Services)*
6. The existing access onto Eastside Highway shall be abandoned and all lots within this subdivision shall access directly off Stargaze Court, the internal subdivision road. *(Effects on Local Services and Public Health & Safety)*
7. The final plat shall show a non-ingress/egress zone along the Eastside Highway frontage of this subdivision, excepting the location for the proposed internal road, Stargaze Court. *(Effects on Local Services and Public Health and Safety)*
8. The applicants shall install a stop sign at the intersection of Stargaze Court and Eastside Highway, subject to review and approval of the Planning Department, in consultation with the Road Department. *(Effects on Local Services and Public Health and Safety)*
9. The applicants shall submit letters or receipts from the place an encumbrance on the final plat of \$100 per lot to be paid to both the Lone Rock and Stevensville School Districts showing that an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners (BCC) in consultation with the subdivider and the school districts) contribution was received prior to final plat approval upon first conveyance of each lot, including lease or rent. *(Effects on Local Services)*
10. The applicants shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Local Services & Public Health and Safety)*
11. With the final plat application, the applicants shall provide a letter from the Three Mile Fire District stating that the applicant has provided the required

1,000 gallons per minute water supply or 2,500 gallons per lot water storage for fire protection for lots within this subdivision. Alternatively, the applicant shall ~~provide evidence of a~~ place an encumbrance of \$500 per lot contribution to be paid to the Three Mile Rural Fire District prior to final plat approval upon first conveyance of each lot, including lease or rent. *(Effects on Local Services & Public Health and Safety)*

12. The final plat shall show a 100-foot no-build zone along the natural drainage that traverses the eastern portion of the property, as shown on the preliminary plat. *(Effects on Natural Environment and Wildlife and Wildlife Habitat)*
13. The applicants shall submit a letter from the Ravalli County Road and Bridge Department stating that the applicants have submitted driveway plans with their final grading and drainage plans showing that the capacity of the natural drainage traversing Lot A4 will be preserved. *(Effects on Natural Environment and Wildlife and Wildlife Habitat)*

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| REMAINING ISSUES: | None. |
| FISCAL IMPACT: | No extraordinary fiscal impacts noted. |
| ATTACHMENTS: | Application package Staff Report with attachments Planning Board meeting minutes from November 1, 2006 |
| STAFF: | Tristan Riddell |
| DATE: | June 13, 2007 |

Commissioner Rokosch opened public comment.

Terry stated they agree with Planning's thirteen conditions.

Commissioner Rokosch asked if there was any public comment with the opposed. Hearing none, he closed public comment and opened Board deliberations.

Commissioner Driscoll questioned the existing road as the entrance to the subdivision. Terry replied they are currently working with MDOT (Department of Transportation) and they had recommended a new entrance. They will be abandoning the existing road and building a new one within the updated standards.

Commissioner Thompson questioned the no build zone and if there were existing culverts next to the highway. Terry replied there will be one at the back of the subdivision. With the road proposal, there was a culvert to be added. Commissioner Thompson asked if there is a culvert at the road. Terry replied he does not have the plans for that. He supposes there is a culvert at the road, but the drainage is addressed at two locations.

Commissioner Thompson asked if the road will be paved. Terry indicated it would be paved.

Commissioner Chilcott asked if any of the slopes are above 25 percent. Terry replied the building areas are not. Commissioner Chilcott stated they need to notify the buyers on Lot A3 and A4 of the need to keep the grade of driveways no more than 10% for the purposes of fire apparatus.

Commissioner Rokosch asked if a particular section of the road is more than 6%. Terry replied that he did not prepare the road design but it was done to the county requirements. Commissioner Thompson stated the question was on the application, and if they exceed 6%, which they do, they are not allowed to exceed 10%. Discussion followed about the 6% and 10% grade.

Commissioner Rokosch stated his concern is where the cul-de-sac is located and if they can do more than post no parking signs.

Commissioner Chilcott asked what Commissioner Rokosch would like to see modified. Commissioner Rokosch stated he would like to see the cul-de-sac larger. Commissioner Chilcott stated the Board does not have the authority to ignore the subdivision regulations. Terry stated the parking signs are a result of the federal requirements.

Commissioner Rokosch asked if the natural drainage coincides with the wildlife migration patterns. For example, due to the comments from Fish, Wildlife and Parks, could they make the drainage more wildlife friendly, and if those recommendations were included in the staff report. Terry replied they are included in condition #2 of the staff report.

Commissioner Rokosch stated one of the adjoining property owners had concerns about drainage. Terry replied it had been addressed with the proposal of the culvert.

Commissioner Rokosch asked if they will be making a contribution to the fire department. Terry replied they will be contributing \$500 after final plat approval. Renee noted on page 4 under protected covenants; the developer needs to meet fire code standards.

Commissioner Grandstaff asked if the \$200 per lot goes to each school district. Jeff Scussel replied they will increase that amount to \$250 for each school district (as in the previous subdivision meeting).

Commissioner Rokosch stated in regard to zoning, he would like it to have the same language as the previous subdivision meeting included in the staff report.

Commissioner Rokosch indicated he understands park land dedication is not required, but he would like to encourage it.

Tristan pointed out if the subdivision were under the new regulations, park dedication would apply.

Commissioner Driscoll stated she sits on the Park Board and also encourages this dedication. Terry stated in the past (for minor subdivision), cash in lieu was accepted instead of park land dedication. Commissioner Driscoll stated that from a real estate perspective, when park space is available, it increases the lot value.

Commissioner Rokosch called for any other questions or comments.

Tristan noted when they amend the conditions for the slope of driveways; it could be added to condition #2. Commissioner Chilcott stated they could also add it to condition #13.

Tristan replied that he will add it to condition #13.

Commissioner Rokosch called for any further questions or comments. Hearing none, he would entertain a motion.

Commissioner Chilcott made a motion to approve Vernon Ranchettes Subdivision with the thirteen conditions from the planning staff report and the amendments mentioned here today. Commissioner Grandstaff seconded the motion and all voted 'aye'. The hearing was adjourned.

In other business, Commissioner Chilcott left to attend a MACo Board of Directors meeting in Helena.

The Board also met with the Park Board to discuss and make a decision of whether to amend the membership of the Park Board from 7 to 9 members and to discuss the Greenway Walk Path. Present were Planner Tristan Riddell, Park Board Members William Delaney, Bob Cron, John Ormiston, and Gary Leese.

Bob explained the need to expand the current Park Board from seven members to nine members due to the increase in Commissioners from three to five.

Commissioner Thompson stated that he is no longer on the Park Board; however he is not in favor of expanding the Park Board.

John stated they would like to amend Resolution No. 965, which would increase the Park Board membership allowing them to have a representative from each of the Commissioner's districts. They would also keep one Commissioner and the three member's At-Large.

Commissioner Thompson stated the Park Board has become much busier in the time that he has served. They have bought and sold land and also developed park land. He is concerned with the number of members in regards to getting things done.

John stated they don't have 'people knocking down the door' to get on the Park Board. It's seldom that they are missing members from meetings. All of their members are extremely active and committed. Gary added that the members currently serving work well together.

Commissioner Driscoll made a motion to amend Resolution No. 965, specifically Section 7, Subsection A of the Administration and Procedures of the Park Board in order to expand the Park Board from seven to nine members; consisting of five members who will represent the five Commission Districts, three At-Large members and one Commissioner. Commissioner Grandstaff seconded the motion and all voted 'aye'. (See Resolution No. 2133).

Bob thanked Commissioner Thompson for serving on the Park Board. He then presented the proposal to discuss the Greenway Walk Path. He noted Greenways are green spaces and are usually lineal. In the case of the Bitterroot River, it would consist of the river, the floodplain areas and associated banks along the river. He has heard a lot of people refer to it as a trail parallel to the river. The idea is to appoint a commission of 'movers and shakers' that are really motivated about the greenway project.

Commissioner Grandstaff questioned if the commission would consist of members from the County Park Board and the City Park Board. Bob replied if it were up to him, he would have a representative from each board.

Commissioner Grandstaff asked Bob if he had presented the proposal to the City of Hamilton. Bob replied that he has discussed it with both the City and the County. Commissioner Grandstaff recommended Bob approach the City Council Parks Committee.

Bob asked if Commissioner Grandstaff could discuss this with Major Jessica Randazzo or Nancy of the City Council Parks Committee. Commissioner Grandstaff replied that she will do that but the first order of business is getting the county and the city to work together.

Commissioner Grandstaff asked if any mapping had to be done. Bob replied Greg from the City Park Commission has already researched the owners and has maps.

Commissioner Thompson suggested they take a look at other trail systems, such as San Antonio. Some will want areas left as is while others (those who own the property) may want to 'put up a hot dog stand or lemonade stand' in order to draw in the people. He felt some people will take their lunch breaks and utilize those areas. Bob stated what Commissioner Thompson is saying is very true. You could have some commercializing of those areas.

Commissioner Rokosch asked if Fish, Wildlife and Parks had been contacted on this issue. Bob replied they had not.

Commissioner Rokosch stated that he would be interested in their input. He stated it is important to find a plan everyone can buy into where we are balancing economic development and wildlife habitat. He further indicated they need to be careful with private property owners. Some property owners might be upset due to the increased activity such as bicyclists, etc.

John stated the first step is the actual concept. The Greenway concept is solid but it is not a plan. It is an idea, and now they need to work with willing land owners. He requested 'willing land owners' be included in the proposal. There are land owners who don't want people on their land, but those landowners will not be there forever. The Land Trust is currently preparing a trail project for the Park Board, and one of those trails go from Anglers Roost to the Silver Bridge.

Commissioner Grandstaff asked if the first step could be addressed through her as the county liaison for the City Planning Board. John felt that might be the first step toward this concept.

Commissioner Driscoll stated her approval of the proposal.

Bob requested a motion from the Commissioners to approve the concept of the Greenway, and adopt that approval in the form of a motion.

Commissioner Thompson made a motion to move forward with the Greenway Concept having the Park Board contact the appropriate parties and the City of Hamilton in order to put together a commission. (No resolution will be established). Commissioner Grandstaff seconded the motion. Commissioner Thompson stated the proposal is structured to include 'willing land owners' and this concept is not mandatory. All voted 'aye'.

The Board also met with Johnson Controls and Administrative Director Skip Rosenthal, for a presentation regarding the Energy Audit.

In other business, the Board met with Treasurer Joanne Johnson to adopt an Investment Policy for the county. Accounting Supervisor Jana Exner and Internal Auditor Klarryse Murphy were also present.

Joanne explained the County does not have an investment policy in place. It is required and was brought to their attention by the county external auditor, Ron Foltz. They are requesting the Board approve of the policy they have brought forth.

Commissioner Grandstaff asked what has been used prior to this policy. Joanne answered they have been using the MCA.

Commissioner Grandstaff questioned what investments the county previously funded. Joanne answered a major portion of the money is in STIP, and approximately 3 million dollars is in D.A. Davidson investments, Smith Barney and Merrill Lynch.

Klarryse noted to keep in mind that Joanne invests not only for the County but for Hamilton Schools and other entities; so that not all of the \$3 million is County funds.

Commissioner Grandstaff questioned the administrative fee portion.

Joanne replied they are asking for an administrative fee of 5%, which will go to the general fund as revenue.

Commissioner Thompson stated Joanne has done an extremely good job in investing. He felt with an investment board and policy in place there is a chance they can derive more revenues based upon the investments. They may get the exact same return back plus the administrative fee. He stated he is in favor of this.

Joanne stated the job of investment is part of her Montana Statute requirement for investments. A committee would elevate some of the burden.

Klarryse noted Joanne deals not only the County investment, but 45 different outside districts. She is also working with the schools which can take up to several days a month and is apart from her regular duties as Treasurer. It was decided to include the administrative fee based upon the work that Joanne has done and continues to do. Commissioner Grandstaff asked if they calculated how much would have been collected thus far had this policy and administrative fee been in effect. Klarryse replied they did and it was approximately \$45,000.

Commissioner Rokosch asked if Civil Counsel had reviewed the policy. Klarryse indicated he had not done so yet.

Klarryse then reviewed the investment policy with the Board by line item.

Commissioner Rokosch made some suggestions for changing some language, specifically to the School Representative committee member position. Klarryse informed the Board the policy had been copied from 3 other county policies, plus they had utilized a draft of the Ravalli County Investment Policy that had never been put into effect.

Commissioner Grandstaff made a motion to accept the investment committee policy contingent upon review and approval of Civil Council and the changes as indicated today. Commissioner Driscoll seconded the motion and all voted 'aye'. (See Resolution No. 2134).

Discussion followed regarding the committee make-up. Joanne recommended they appoint Cathy Binando of the Hamilton School District as the School Representative member and Klarryse Murphy to the At-Large member. The Board indicated they would like to advertise for the School Representative and the At-Large member seats by legal notice.